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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Mortgage Broker Practices Act of Washington by:

EMERALD FINANCIAL, INC., and A-
NORTHWEST MORTGAGE, and
AMIRA ATAN MOORE aka AMIRA ATAN,
Owner and Designated Broker,

Respondents.

NO. C-06-107-06-SC02

**AMENDED STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSE, IMPOSE FINE,
PROHIBIT FROM INDUSTRY, AND COLLECT
INVESTIGATION FEE**

INTRODUCTION

Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the Mortgage Broker Practices Act (Act). After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as of July 21, 2006, the Director issued Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Collect Annual Assessment, Impose Fine, Prohibit from Industry, and Collect Investigation Fee, No. C-06-107-06-SC01 (SC01) on July 21, 2006.

The Director has received information requiring the amendment of Statement of Charges SC01. Based upon the facts available as of September 11, 2006, the Director now amends Statement of Charges SC01 by issuing an Amended Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Prohibit from Industry, and Collect Investigation Fee, C-06-107-06-SC02, which includes the following modifications: Deleting the notice of intention to enter order requiring payment of Annual Assessment, adding additional allegations of Failure to Respond to Directives and Failure to Respond Completely to Directives, and modifying the Notice of Intention to Enter Order (Section III) pursuant to the modifications to the Factual Allegations in Section I.

I. FACTUAL ALLEGATIONS

1.1 Respondents

A. **Emerald Financial, Inc.** (Respondent Emerald Financial) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on March 31, 2003, and has continued to be licensed to date. Respondent Emerald Financial is licensed to conduct the business of a mortgage broker at one (1) location.

B. **A-Northwest Mortgage** (Respondent A-Northwest Mortgage) was licensed by the Department to conduct business as a mortgage broker on June 5, 2002. Respondent A-Northwest Mortgage is no longer licensed to conduct business as a mortgage broker. Respondent A-Northwest Mortgage's office closed on March 4, 2003.

C. **Amira Atan Moore aka Amira Atan** (Respondent Moore) is president and designated broker of Respondent Emerald Financial. Respondent was named Designated Broker of Respondent Emerald Financial on March 31, 2003, and has continued as Designated Broker to date. Respondent Moore was president and designated broker of Respondent A-Northwest Mortgage.

1.2 Failure to Maintain Bond. On January 26, 2006, the Department received notice from North American Specialty Insurance Company, and Washington International Insurance Company, that Respondent Emerald Financial's surety bond would be cancelled, effective February 6, 2006. To date, Respondents have failed to notify the Department of the cancellation of the surety bond, and have failed to provide the required surety bond or an approved alternative.

1.3 Failure to Pay Annual Assessment. An annual assessment fee for each license is due to the Department no later than the last business day of March for the year then ended. The Department did not timely receive the following annual assessment due from Respondents totaling \$530.86:

A. Payment of the annual assessment of \$530.86 for the year ended March, 2006, was due to the Department no later than the last business day of March, 2006. It was not received until July 25, 2006.

1 In addition, payment of the annual assessment of \$530.86 for the year ended March, 2007, will be due to the
2 Department no later than the last business day of March, 2007.

3 **1.4 Failure to Notify Department of Significant Developments.** As stated in paragraph 1.2,
4 Respondents Emerald Financial and Moore have not notified the Department of the cancellation of Respondent
5 Emerald Financial's surety bond.

6 **1.5 Failure to Respond Timely and Completely to Directive.** On September 3, 2003, the Department
7 issued a directive to Respondent A-Northwest Mortgage. The Directive was addressed to the attention of
8 Respondent Moore. The Directive demanded that Respondent A-Northwest Mortgage provide the Department
9 with copies of a variety of documents pertinent to the Department's inquiry under complaint number 12807.
10 Respondent Moore responded on September 22, 2003, by writing a letter on behalf of Respondent A-
11 Northwest. Respondent failed, however, to provide any of the documentation required by the directive.

12 **1.6 Failure to Respond to Directive.** Following Respondents' failure to provide the Department with the
13 documents listed in the Department's September 3, 2003, directive, the Department issued a subpoena requiring
14 production of the documents. The subpoena was issued on June 29, 2005, after Respondent failed to respond to
15 telephonic and faxed demands to produce the documents. Respondent was served with the subpoena on
16 September 20, 2005. To date, Respondent has failed to comply with the June 29, 2005, subpoena.

17 **1.7 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
18 Respondents continues to date.

19 **II. GROUNDS FOR ENTRY OF ORDER**

20 **2.1 Requirement to Maintain Surety Bond.** Based on the Factual Allegations set forth in Section
21 I above, Respondents are in apparent violation of RCW 19.146.205(4)(a) and WAC 208-660-080(1) for failing
22 to file and maintain a surety bond or approved alternative with the Department.

23 **2.2 Requirement to Pay Annual Assessment.** Based on the Factual Allegations set forth in
24 Section I above, Respondents are in apparent violation of RCW 19.146.228(1), WAC 208-660-060(3), and
25

1 WAC 208-660-061 for failing to pay to the Director an annual assessment fee no later than the last business day
2 of the month in which the anniversary date of the issuance of the mortgage broker's license occurs.

3 **2.3 Requirement to Notify Department of Significant Developments.** Based on the Factual
4 Allegations set forth in Section I above, Respondents are in apparent violation of WAC 208-660-150(1)(e) for
5 failing to notify the Director in writing within thirty days after receipt of notification of cancellation of the
6 licensee's surety bond.

7 **2.4 Authority to Revoke License.** Pursuant to RCW 19.146.220(2)(b)(ii) and (iii), and WAC 208-
8 660-160, the Director may revoke a license for failure to pay a fee required by the Director or maintain the
9 required bond or failure to comply with any directive or order of the Director.

10 **2.5 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(c)(i) and (ii) and WAC 208-660-
11 165, the Director may impose fines on a licensee, employee or loan originator of the licensee, or other person
12 subject to the Act for any violations of RCW 19.146.205(4), or failure to comply with a directive or order of the
13 Director.

14 **2.6 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(2)(e)(i) and (iv), the
15 Director may issue orders removing from office or prohibiting from participation in the conduct of the affairs of
16 a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed
17 mortgage broker or any person subject to licensing under the Act for any violation of RCW 19.146.205(4), or
18 failure to comply with a directive or order of the Director.

19 **2.7 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-
20 060(4) and WAC 208-660-061, upon completion of any investigation of the books and records of a licensee or
21 other person subject to the Act, the Department will furnish to the licensee or other person subject to the Act a
22 billing to cover the cost of the investigation. The investigation charge will be calculated at the rate of forty-
23 seven dollars and seventy-eight cents (\$47.78) per hour that each staff person devoted to the investigation.

III. NOTICE OF INTENTION TO ENTER ORDER

Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth in the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, and RCW 19.146.223. Therefore, it is the Director's intention to ORDER that:

3.1 Respondent Emerald Financial's license to conduct the business of a mortgage broker be revoked

3.2 Respondents Emerald Financial, Inc., and Amira Atan Moore jointly and severally pay the \$530.86 main office Annual Assessment for the year ending March, 2007 no later than the last business day of March, 2007

3.3 Respondents Emerald Financial and Amira Atan Moore jointly and severally pay a fine of \$5250 for:

a. Violating RCW 19.146.205(4), calculated at \$75 per day for 30 days

b. Violating RCW 19.146.235, calculated at \$100 per day for 30 days

3.4 Respondent Emerald Financial, Inc., be prohibited from participation in the conduct of the affairs of any mortgage broker subject to licensure by the Director, in any manner, for a period of five (5) years

3.5 Respondent Amira Atan Moore be prohibited from participation in the conduct of the affairs of any mortgage broker subject to licensure by the Director, in any manner, for a period of five (5) years

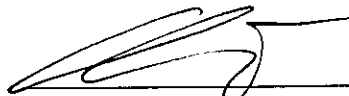
3.6 Respondents Emerald Financial, Inc., and Amira Atan Moore jointly and severally pay an investigation fee in the amount of \$215.01 calculated at \$47.78 per hour for the four and one half (4.5) staff hours devoted to the investigation

3.7 Respondents maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondent Emerald Financial, Inc.'s mortgage broker business, and the name, address and telephone number of the individual responsible for maintenance of such records in compliance with the Act.

IV. AUTHORITY AND PROCEDURE

This Amended Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Impose Fine, Prohibit from Industry, and Collect Investigative Fee (Amended Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Amended Statement of Charges.

1 Dated this 12th day of October, 2006.

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4 CHUCK CROSS
5 Director
6 Division of Consumer Services
7 Department of Financial Institutions

8 Presented by:

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11 David Sorenson
12 Financial Legal Examiner

13 Approved by:

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16 JAMES R. BRUSSELBACK
17 Enforcement Chief



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**STATE OF WASHINGTON
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IN THE MATTER OF DETERMINING:
Whether there has been a violation of the
Mortgage Broker Practices Act of Washington by:

C-06-107-06-SC02

EMERALD FINANCIAL, INC., and A-
NORTHWEST MORTGAGE, and
AMIRA ATAN MOORE aka AMIRA ATAN,
Owner and Designated Broker,

NOTICE OF OPPORTUNITY TO DEFEND
AND OPPORTUNITY FOR HEARING

Respondents.

THE STATE OF WASHINGTON TO:

EMERALD FINANCIAL, INC.
A-NORTHWEST MORTGAGE
AMIRA ATAN MOORE

YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES has been filed by the Department
of Financial Institutions, a true and correct copy of which is attached and made a part hereof.

YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before the
Washington State Department of Financial Institutions on the Statement of Charges. Service of this notice is
deemed complete upon deposit in the United States mail. YOUR APPLICATION MUST BE RECEIVED BY
THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS FROM THE DATE
YOU RECEIVED THIS NOTICE. If you demand a hearing, you will be notified of the time and place for the
hearing at least seven (7) days in advance of the hearing date.

At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be as informal
as is practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). The hearing
will be recorded. The primary concern will be getting to the truth of the matter insofar as the Statement of Charges
is concerned. Technical rules of evidence will not be binding at the hearing except for the rules of privilege
recognized by law. You have the right to present evidence and witnesses in your own behalf, and to cross-examine
those witnesses presented in support of the Statement of Charges. You may require the attendance of witnesses by

1 subpoena. If you are limited English- speaking or hearing impaired, you have the right to have an interpreter
2 appointed at no cost to you, as discussed below.

3 INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-English-
4 speaking cultural background, cannot readily speak or understand the English language, or if you or a witness for
5 you is a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate
6 in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN
7 INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the witness. You may request
8 the appointment of a qualified interpreter by indicating your request on the attached Application for Adjudicative
9 Hearing form.

10 YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the
11 Application for Adjudicative Hearing form within twenty (20) days from the date you received this notice, this will
12 constitute a waiver of your right to a hearing and the Director will find that you do not contest the allegations of the
13 Statement of Charges. Upon such a finding by the Director a final order will be immediately entered disposing of
14 this matter as described in the Statement of Charges. If you desire a hearing in this matter, please return the
15 attached Application for Adjudicative Hearing to:

16 Department of Financial Institutions, Division of Consumer Services
17 Attn: James R. Brusselback
18 PO Box 41200
19 Olympia, Washington 98504-1200

20 Dated this 10th day of October, 2006.



CHUCK CROSS
Director
Division of Consumer Services
Department of Financial Institutions